

REMARKS

Claims 1-26 are pending in the present application. Claims 1-22 were rejected under 35 USC 102(b) as being anticipated by McGrath et al (US 5,620,236). The drawings were objected to for failing to include reference numbers 11 and 12.

The Applicant has respectfully included replacement drawings 1 and 2 incorporating the reference numbers 11 and 12. The Applicant respectfully submits that the drawings are not in proper condition for allowance.

The Examiner rejected Claims 1-22 under 35 USC 102(b) as being anticipated by McGrath et al (US 5,620,236). The Applicant respectfully traverses this rejection and requests reconsideration in light of the aforementioned amendments and the following arguments.

Independent claim 1, the limitation of dependent claims 4,12 and 21 are not properly rejected under 35 USC 102(b) by McGrath et al. The office action asserts that McGrath's use of indicator lamps 33 can be interpreted as diagnostic inputs. The Applicant respectfully traverses this assertion. The Applicant claims a diagnostic input from the towed trailer that relays to the controller either proper operation of the trailer brake system or proper functionality of the trailer brake system (NOTE no new material has been added - see paragraph 14 of the original application as filed). The reflection of a brake light (as asserted) gives no indication of diagnostic information from the brake assembly. All brake lights indicate are that a signal has been sent to the brakes (no indication of proper operation or indication of damage to those brakes). Thus the McGrath et al reference does not teach the sending of a diagnostic signal from the towed trailer to the control element as claimed by the present invention. Therefore claims 1,4,12 and 21 (and their respective dependent claims) should be allowed.

In regards to independent claim 11 and its respective dependent (12-19) claims the Examiner failed to note the limitation of the claim as filed wherein "vehicle brake pressure input providing vehicle brake pressure from said anti-lock braking system to said control element". The Applicant respectfully traverses a rejection of this claim based on the McGrath reference since the McGrath reference

fails to teach this limitation. The McGrath reference teaches use of an anti-lock braking system to provide "vehicle speed, vehicle deceleration, brake failure, brake application, and changes in road surface conditions" (see column 19 lines 34-36). The McGrath reference does NOT however teach determining vehicle brake pressure through communication with the anti-lock braking system as claimed by the present invention.

In regards to claim 20 and its respective dependent claims, the Applicant respectfully traverses the Examiner's assertion that McGrath teaches "determining a vehicle speed and vehicle brake pressure through communication with an anti-lock braking system". The McGrath reference teaches use of an anti-lock braking system to provide "vehicle speed, vehicle deceleration, brake failure, brake application, and changes in road surface conditions" (see column 19 lines 34-36). The McGrath reference does NOT however teach determining vehicle brake pressure through communication with the anti-lock braking system as claimed by the present invention. It should be noted that in both the description and figures (see Figure 4) the ABS in the McGrath reference still indicates that brake pressure is received from the vehicle brake pedal 21. The present invention, by determining brake pressure from the ABS unit, allows for a more simple, cost effective integrated system. Additionally, the use of the complex sensors presently installed in ABS units to determine brake pressure further removes the requirement of additional pedal or master cylinder sensors to be installed in the vehicle.

The Applicant further traverses the assertion that McGrath teaches a display mounted within the vehicle dash as asserted is taught in col 3 lines 29-35. Claim 22 claims the display is mounted "within" the dash. In other words, the present invention claims integrating the display into the dash. The McGrath reference teaches in the cited position mounting the display underneath the dash. A cited benefit of the present invention is that the system is integrated into a new vehicle wherein it can retain the desirable integrated appearance not found in aftermarket mounted assemblies. This is not taught nor rendered obvious by the McGrath reference which clearly teaches the known after-assembly methodologies.

Finally, the Applicant calls the Examiner's attention to newly added claims 23-26. The Applicant notes that no new matter was added and directs the Examiner to paragraph 12 of the application as originally filed for confirmation. The Applicant notes that the use of gradual and step function outputs is not taught by the McGrath reference. Furthermore, the Applicant notes that automatically increasing the gain of the output in response to changes in vehicle speed is neither taught nor discussed in the cited references. Therefore, the Applicant respectfully requests allowance of these claims.

CONCLUSION

The Applicant would like to thank the Examiner for his assistance. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Thomas Donohue
Reg. No. 44,660
Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500
(248) 223-9522 (Fax)

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